

REMARKS

In response to the Office Action mailed October 14, 2008, claim 1 has been amended. Claims 4-7 were previously withdrawn, and claims 13, 14, 24, 26-84 were previously canceled. Thus, claims 1-3, 8-12, 15-23, 25, and 85 are presented for examination.

Claims 1-3, 8-10, 12, 15-23, 25, and 85 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pacetti et al. (US 6,355,058). However, Pacetti did not describe or make obvious a non-woven soft tissue implant including a “polymer or copolymer having biaxially oriented chains,” as recited in claim 1.

Pacetti described a stent coated with a binder coating 16 that includes a binder that “may consist of synthetic polymers or biopolymers.” (See, e.g., Pacetti, col. 4, lines 29-30; col. 5, lines 16-32). The Examiner contends that Pacetti’s binder coating 16 is a biocompatible film and that “there are an infinite number of axes for which this film is oriented . . .,” (Office Action, page 3, emphasis added). However, claim 1 recites biaxial orientation of polymer or copolymer chains and, contrary to the Examiner’s contention, does not recite orientation of a film. To the extent that the Examiner is contending that Pacetti’s coating includes biaxially oriented polymer or copolymer chains, the Applicant respectfully notes that the coating techniques described by Pacetti would not necessarily result in biaxial orientation of polymer or copolymer chains. (See, e.g., Pacetti, col. 5, line 54 – col. 6, line 21). Accordingly, Pacetti does not anticipate claims 1-3, 8-10, 12, 15-23, 25, and 85.

Furthermore, although the claims should be interpreted as broadly as reasonably possible in light of the specification, the term “biaxially oriented” as used in the Applicant’s specification is not broad enough to extend to “an infinite number of axes” of orientation as the Examiner contends. The Applicant’s specification describes biaxial orientation as the polymer or copolymer chain orientation resulting from stretching a film of the polymer or copolymer in two directions. (See, e.g., US 2004/0059356 ¶¶[0021], [0046], [0050], [0077], [0082]). Accordingly, polymer or copolymer chains with an infinite number of axes of orientation cannot properly be considered to be oriented, much less biaxially oriented.

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In view of the present amendment and the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejections of claims 1-3, 8-10, 12, 15-23, 25, and 85.

The Applicant thanks the Examiner for indicating that claim 11 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

Any circumstance in which the Applicant has (a) addressed certain comments of the Examiner does not mean that the Applicant concedes other comments of the Examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the Applicant concedes any of the Examiner's positions with respect to that claim or other claims.

Filed herewith is a Petition for Extension of Time. Please apply any other charges or credits to deposit account 06-1050, 14188-0002001.

Respectfully submitted,

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